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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/333,565	06/21/1999	NICHOLAS STEIGELMAN	034297-031	4249

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EXAMINER

HAROLD, JEFFEREY F

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 02/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/333,565

Applicant(s)

STEIGELMAN ET AL.

Examiner

Jefferey F. Harold

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-3, 5, 7 and 9-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Peak et al. (United States Patent 5,237,605), hereinafter referenced as Peak, in view of Koyama (United States Patent 5,654,957) further in view of well known prior art (MPEP 2144.03).

Regarding **claim 1**, Peak discloses an adjunct interface apparatus for a telephone set. In addition, Peak discloses wherein telephone set stand (17), which reads on claimed "shell", is adapted to physically connect under a telephone, the shell having a port (410) connected to a telephone wire (14);

the telephone set stand containing adjunct interface logic (32), which reads on claimed interconnection logic operably connected to the port (420) and a wire (421) to connect to the telephone, as disclosed at column 3, line 26 through column 4, line 50 and exhibited in figures 3-5;

however, Peak fail to disclose a network card and wherein the digital data from the network card and the voice data from the telephone can be alternately sent across the telephone wire. However, the examiner takes official notice of the fact that it was well know in the art to provide a network card and the examiner maintains that it was

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well known in the art to provide wherein the digital data from the network card and the voice data from the telephone can be alternately sent across the telephone wire, as taught by Koyama.

Regarding the network card. It is well know in the art to provide a network card, therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peak by specifically providing a network card, for the purpose of providing an interface for a notebook computer to the LAN/PBX.

Regarding the digital data from the network card and the voice data from the telephone can be alternately sent across the telephone wire, Koyama discloses a packet communication system. In addition, Koyama discloses wherein data is processed via packet data or for voice data and be alternately sent across the LAN (101), as disclosed at column 5, line 1 through column 8, line18 and exhibited in figures 1-3.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peak and well known prior art by specifically providing digital data from the network card and the voice data from the telephone can be alternately sent across the telephone wire, as taught by Koyama, for the purpose of communicating via telephone or computer to the PSTN.

Regarding **claim 2**, Peak, well known prior art and Koyama, the combination, disclose everything claimed as applied above (see claim 1), in addition Peak disclose wherein the shell is wedge shape, as disclosed in figures 2 and 4.

Regarding **claim 3**, Peak, well known prior art and Koyama, the combination, disclose everything claimed as applied above (see claim 1), in addition Peak disclose wherein the shell has a port (430) to connect to the personal computer, as disclosed in figure 3.

Regarding **claim 5**, Peak, well known prior art and Koyama, the combination, disclose everything claimed as applied above (see claim 1), in addition Peak disclose wherein the shell has extensions for physically connecting to the bottom of the telephone, as disclosed in figures 2 and 4.

Regarding **claim 7**, Peak, well known prior art and Koyama, the combination, disclose everything claimed as applied above (see claim 1), in addition Peak disclose wherein the shell is adapted for fitting under a telephone, the shell being wedge shaped to hold the telephone at an angle, the shell having extensions for physically connecting to telephone wire and a second port region for connecting to a personal computer, as disclosed in figures 2 and 4.

Regarding **claim 9**, the combination discloses everything claimed as applied above (see claim 7), in addition claim 9 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 7.

Regarding **claims 10 and 11**, the combination discloses everything claimed, as applied above, (see claim 7), in addition claim 10 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 1.

2. **Claims 4, 6 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Peak, in view of Koyama in view of well known prior art (MPEP 2144.03), further in view of well know prior art (MPEP 2144.03).

Regarding **claim 4**, the combination disclose everything claimed, as applied above, (see claim 1), however, the combination fails to disclose wherein the electronics in the shell allow for a wireless connection to the personal computer. However, the examiner takes official notice of the fact that it was well know in the art to provide wherein the electronics in the shell allow for a wireless connection to the personal computer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination by specifically providing wherein the electronics in the shell allow for a wireless connection to the personal computer, for the purpose of data communication with the pbx.

Regarding **claim 6**, the combination disclose everything claimed, as applied above, (see claim 1), however, the combination fails to disclose an Ethernet card. However, the examiner takes official notice of the fact that it was well know in the art to provide an Ethernet card.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination by specifically providing an Ethernet card, for the purpose of data communication with the pbx LAN.

Regarding **claim 8**, the combination disclose everything claimed, as applied above, (see claim 1), however, the combination fails to disclose wherein the shell is

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hollow at top. However, the examiner takes official notice of the fact that it was well known in the art to provide wherein the shell is hollow at top.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination by specifically providing a shell hollow at top, for the purpose of providing access for circuitry and connection of equipment to the telephone unit.

Response to Arguments

3. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Citation of Pertinent Art

4. The prior art made of record is considered pertinent to applicant's disclosure:

Aggus et al. (U.S. Patent 5,862,214) discloses a low cost adjustable base stand;

Bryant et al. (U.S. Patent 5,995,621) discloses an user installed telephone option module; and

Kimball (U.S. Patent 6,028,984) discloses a method and apparatus for making a seamless network connection.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is (703) 306-5836. The examiner can normally be reached on Monday-Friday 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

JFH
February 10, 2003


FORESTER W. ISEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700